

August 3, 2009

VIA ELECTRONIC MAIL ONLY

MSC_clerk@courts.mi.gov

Mr. Corbin R. Davis
Clerk of the Court
Michigan Supreme Court
P.O. Box 30052
Lansing, Michigan 48909

RE: ADM File No. 2005-13
Proposal to Establish and Require Compliance with
Court Collections Program and Reporting Requirements

Dear Mr. Davis:

I wholeheartedly support and encourage the Michigan Supreme Court to adopt an administrative order that would require the State Court Administrator to establish a court collections program and reporting requirements that would require courts to comply with those requirements.

With the privilege of having served on the Region 1 Subcommittee in this effort and having served as an administrator in two district courts, I find that, without qualification, the proposed Appendix is a comprehensive, meaningfully substantive, realistic, and necessary blueprint.

The Court should seriously take to heart the omen which Court Collections Advisory Committee Chair Hon. Philip D. Schaeffer offered at the July 15, 2009 administrative conference: “unless you, as a Court, continue to lead in this effort, they will not follow.”

As a part of leading this effort, this Court must empower the State Court Administrator with enforcement mechanisms so that courts know that they are expected to adopt and effectuate a comprehensive collections program and that failure will have substantive consequences. Without such an expectation, too many will perceive this as merely a paper-shuffling and inconsequential data-collecting exercise.

The reality is that our “One Court of Justice” ideal is not a shared philosophy and it is intentionally ignored in some corners. Our public is served by courts that strictly enforce MCR 1.110 and others that automatically give time-to-pay without any inquiry of one’s ability to pay and without any follow-up in the event of delinquency. This, understandably, does not serve the judiciary well, it fuels public confusion (sometimes volatile indignation), and it can make the tasks of the judiciary’s front-line public ambassadors (clerks) impossibly challenging.

Letter from Lori K. Shemka

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Page 2

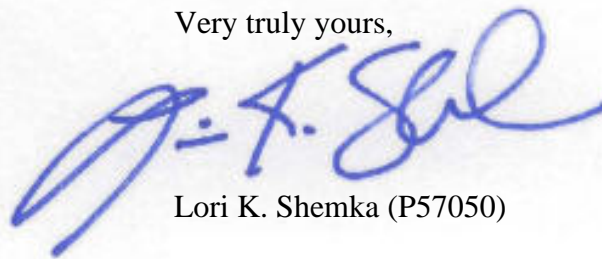
Yes, with this Court's leadership, the judiciary has made considerable progress but much more work remains in this journey. It is incumbent that the State Court Administrative Office continue to educate, insist, and confirm that the trial courts have implemented and are actively working their collections plans. Again, indifference must be met with consequences.

Effective collection plans uphold the judiciary's fiduciary duty to the public, instill public respect for court orders, and they are a fantastic case management tool which ultimately results in more efficient court operations.

As a member of the Region 1 Subcommittee, I want to express my appreciation for the focused leadership of Hon. Julie A. Nicholson as chair and the extraordinary, untiring, and ever graceful service of Trial Court Collections Project Manager Elizabeth A. Barber. The value of Ms. Barber's experienced perspective, including her intimate knowledge of the challenges of the diverse courts and regions throughout the state, cannot be measured. The People of the State of Michigan have been more than well-served.

This next step commences with the trial courts having a plethora of proven tools at their disposal. The shining contributions and recommendations of the subcommittees and lead committee deserve this Court's continued steadfast and active support. And, Judge Schaeffer's omen should not and, I respectfully submit, cannot be ignored.

Very truly yours,

A handwritten signature in blue ink, appearing to read "L. K. Shemka", is written over a light blue rectangular background.

Lori K. Shemka (P57050)